

LYNDON CITY COUNCIL  
REGULAR MEETING MINUTES OF  
December 4, 2017

The Lyndon City Council met in regular session on Monday, December 4, 2017, 7:00 p.m., at City Hall.

1. CALL TO ORDER: Mayor Morrison called the meeting to order.

- a) ROLL CALL: City Clerk called roll of the City Council. Mayor Morrison and members Bill Patterson, Katie Shepard (7:10), Darrel Finch and Darin Schmitt present

City Staff present: Pat Walsh, City Attorney; Julie Stutzman, City Clerk; David Wilson, Public Works; and Darrel Manning, Chief of Police.

Others Present: Brian Foster, BG Consultants; Tammy Schlingmann, Herald Chronicle; Russel Swanson, Public Wholesale Water Supply District #12.

2. ADOPTION OF MINUTES OF PREVIOUS MEETINGS:

- a) Finch made the motion to approve the regular meeting minutes of November 20, 2017 as written. Patterson seconded, motion carried.

3. CONSENT AGENDA:

- a) Approval of Bills: Patterson made the motion to approve the bills as set forth. Schmitt seconded, motion carried.

4. PUBLIC COMMENTS: None.

5. CORRESPONDENCE TO COUNCIL:

- Public Wholesale Water Supply District #12 meeting minutes of November 15, 2017.
- Copy of letter from Mediacom about rate adjustments.

6. UNFINISHED BUSINESS:

- a) SEWER PROJECT UPDATE - BRIAN FOSTER, BG CONSULTANTS: Brian Foster provided Council with a progress update for the sewer project. Mr. Foster stated the plans were submitted to KDHE, received comments back and now in the process of completing the project plans incorporating the minor adjustments recommended by KDHE. He stated they would finish those recommendations and send it back to KDHE tomorrow, December 5 for second review.

Mr. Foster stated the project has no red flags and will hopefully have approval by KDHE before the Christmas holiday. He stated he would also be submitting them to USDA Rural Development as well as the plans would also need their approval before going out to bid. Mr. Foster stated that bids have been awarded by the March 1 deadline as required by CDBG. He stated he would like to award the project by the February 19 meeting, which makes the bid letting/opening February

13, 14 or 15 and advertise in the local paper by January 10 or 11 to give contractors the required full 30 days to submit bids.

Mr. Foster stated he would provide the City a set of bid documents after they are finalized, however, there still will be a few changes. He stated they have to do the final quantities and quality control check to make sure all of the bidding quantities are correct after submission to USDA.

Mr. Foster stated he spoke with Lucius Duerksen with the Corp of Engineers regarding the status of the 404 Permit. Mr. Duerksen stated he is writing the permit and submitting to his superior this week for review. Mr. Foster stated all of the comments from the agencies are completed and satisfactory. After USACE has reviewed the permit, a draft will be provided to the City for review to make sure there is agreeance of what is being permitted. If the City is in agreeance then start looking at the cost of water mitigation credits, obtain the credits through a third-party entity, and then the permit is signed and executed. Mr. Foster stated that at this point it is still in line to be completed before the contracts go out for bids. Mayor Morrison asked if the draft permit would be available by or before the next meeting and Mr. Foster stated he is hoping to have the permit by the next meeting, however, will not obtain mitigation credits after the permit is reviewed by all parties and signed.

Mr. Foster stated he would send the City Attorney a few forms that need signed by BG Consultants, City Attorney and the Mayor for easement exhibit and property assurance forms. KDHE and USDA each have their own set of forms that state the City owns all of the property and have acquired all of the easements for the project. A KDOT highway permit as well as service tap permits will need completed for work being done on the highway. Mr. Foster stated later in the project he will apply for a Stormwater Pollution Permit for run on and run off controls during the project and transferred to the contractor for the duration of the project.

- b) 2018 HOLIDAY SCHEDULE: Schmitt made the motion to approve the 2018 Holiday Schedule as requested. Shepard seconded, motion carried.
- c) PURCHASE OF WATER METERS: Patterson made the motion to purchase the water meters for the amount of \$6,150 and to be expended from the Capital Outlay line item in the Water Fund. Schmitt seconded, motion carried.
- d) HOT SPOTS AT CITY PARK/JONES PARK: The City Clerk stated she spoke to Eric Gilligan at Kwikom in regards to the coverage area provided by the hotspots at Jones Park and City Park. After talking with Mr. Gilligan, she provided Google Earth maps of the estimated area of coverage. The City Clerk stated that Kwikom wants to the City to run power to their equipment box and it was consensus of the Council to proceed with installing the power after discussion with the Maintenance Supervisor. Councilmember Finch asked if the wifi would be on all of the time and the City Clerk stated it would be on from 6 a.m. to 11 p.m. when the parks are closed. Council will revisit it once Kwikom installs the hot spots. The City Clerk stated she would invite Kwikom representatives if the Council wishes to a meeting to discuss coverage once the hot spots are installed.

- e) **PLANNING AND ZONING FEE SCHEDULE:** The Council received a copy of the current fee schedule of fees for Planning and Zoning and stated that due to being short-staffed she was not able to research it. She stated it is set for discussion at the Zoning meeting on December 6 and on the December 18 meeting agenda. Mayor Morrison asked if there was any feedback to which there was none and tabled the matter.
- f) **BAILEY HOUSE UPDATE:** Mayor Morrison stated the walk through at the Bailey House with Pishny is done. He stated there are a couple of spots that birds are still able to get in behind window trim and Pishny is sending their crew out to do a little more work on those areas. The inside of the cabin was very clean after the project, however, on the interior wall, there were some handprints in the chinking/daubing and Pishny will have those fixed.

Mayor Morrison stated on the second floor of the cabin where the gable ends, there are still areas between the lathes siding where sunlight is still able to pass through. He stated some of the holes were big enough for birds to get in, they will also be back to fill in those areas and make it bird proof.

The doors on the cabin also have gaps and can be replaced with tongue and groove wood to improve the issue and stay within historic regulations. The Mayor stated Pishny would get the City a quote on replacing those.

The Mayor encouraged councilmembers to get together or go individually to tour the cabin. He stated Ms. Clark with the HPPL is excited about trying to get residents interested in cabin and committed that the cabin would be open for the car show. Ms. Clark is requesting permission to put time period pieces back into the cabin now that the project is completed, however, the building will not be used as storage. The consensus of the Council is to allow things that are relevant to go back into the cabin and overseen by the City representatives.

## 7. NEW BUSINESS:

- a) **PWWSD#12 CITY REPRESENTATIVE RESIGNATION:** Russell Swanson stated he would be stepping down from the board for Public Wholesale Water Supply District #12 at the end of this year and resigning his position as the City's representative. Schmitt made the motion to accept the resignation of Russel Swanson as the city representative for PWWSD#12 effective January 1, 2018. Shepard seconded, motion carried. The Council thanked Mr. Swanson for his many years of service as the City's representative.

The Maintenance Supervisor stated he is willing to step in and become the City's representative. Finch made the motion to approve the Mayor's appointment of Maintenance Supervisor as the City's representative for Public Wholesale Water District #12 and to attend meetings effective January 1, 2018. Patterson seconded, motion carried.

- b) CEREAL MALT BEVERAGE LICENSE RENEWALS: The City Clerk stated that Cereal Malt Beverage licenses for Buzzard's Pizza, EZ Rock Café, Casey's and D's Mini Mart expire December 31, 2017. She stated that the businesses have all paid the required fees and she has prepared the license renewals that will run January 1, 2018 to December 31, 2018 for approval.

Shepard made the motion to approve the CMB licenses for Buzzard's Pizza, EZ Rock Cafe, Casey's, and D's Mini Mart. Patterson seconded, motion carried.

- c) RESIGNATION OF COUNCIL MEMBER: The Council received a copy of a letter of resignation from Ryan Kuhn. Mr. Kuhn was elected in the November 2017 election, however, no longer qualifies due to moving out of city limits. Finch made the motion to accept the resignation of councilmember Ryan Kuhn. Shepard seconded, motion carried.

The City Clerk stated she has received a letter of interest for the vacant seat from Kyle Recob. She stated he could not make tonight's meeting, however, would more than likely attend the December 18 meeting to introduce himself and sit in on a Council meeting.

- d) STREET LIGHT REQUEST: The Council received a request from Holly Jones requesting installation of a streetlight on 4th Street between Ash and Cedar. The Maintenance Supervisor stated there are three streetlights on that street which is pretty much standard in the City. After a brief discussion, Council tabled the matter for further review of the request.
- e) CHILDREN AT PLAY SIGN REQUEST: The City Clerk stated she received a verbal request from Cindy Decker about the City installing a sign for Children at Play near 10th or 11th of Cedar. The Chief of Police stated there had been a previous request on 10th street to close that area as a play street and not approved due to having to close the street. He stated the resident who had made the request purchased a sign and attached it to a post that holds a Neighborhood Watch sign and is not a City sign. The Chief of Police stated he attached the ordinance that discusses play streets and again would close the street allowing only residents to drive on that particular street. After a lengthy discussion, it was consensus of the Council to deny the request and notify Ms. Decker.

#### 8. STAFF REPORTS:

- a) POLICE: Council received a copy of the Officer Activity report.

Chief Manning noted on his report the removal of the dilapidated house at 709 Monroe.

- b) PLANNING AND ZONING: The Council received a report from interim Zoning Administrator Danny Decker.
- c) PUBLIC WORKS: Council received a copy of the Maintenance Activity report.

Patterson asked if Tree Board planted trees over the weekend. The Maintenance Supervisor stated they planted some at Jones Park and City Park and noted the areas of where they were planted. He stated that he drove around with Mr. Loveless beforehand and discussed trees that needed replaced.

Mayor Morrison thanked the Maintenance Crew for putting up holiday decorations.

- d) CITY CLERK: The City Clerk stated the meeting to discuss the Jones Park Use Agreement is scheduled for 6:30 p.m. on Monday, December 11, 2017 at City Hall. It was noted the representative for the Lyndon Rec is unable to attend; however, discussion can at least begin by the City and USD 421. Meeting notes will be sent to the Rec Director Michael Massey.

The listing on the website for the Lyndon Rec is corrected.

9. COUNCIL/MAYOR COMMENTS AND REPORTS:

Shepard thanked City staff for their hard work and stated she is thankful to live in a prideful community.

Mayor Morrison thanked the City Clerk and Treasurer for taking on extra work and covering the utilities desk while the clerk was out due to illness.

10. EXECUTIVE SESSION: None.

11. ADJOURNMENT: Schmitt made the motion to adjourn to Monday, December 18, 2017, at 7:00 p.m. for regular meeting. Finch seconded, motion carried.



City Clerk